

SECRET/EXDISSALT TWO  
SESSION I  
A- 98MEMORANDUM OF CONVERSATION  
U.S. SALT DELEGATION  
GENEVA, SWITZERLANDDATE: December 16, 1972  
TIME: 10:30 - 12:00 noon  
PLACE: U.S. Mission, Geneva

SUBJECT: Standing Consultative Commission

PARTICIPANTS: US USSR

Mr. Sidney N. Graybeal  
Mr. John P. ShawMr. V. V. Smolin  
Mr. E. N. Kochetkov, Interpreter

A meeting was called at the request of Graybeal following receipt of instructions from Washington. Graybeal followed the Talking Points contained in Attachment A and these will not be repeated in this memorandum, which will concentrate on the issues which emerged. In general, Smolin expressed concern of introducing the changes proposed by the U.S. side in documents which had already been approved in Moscow. He made no commitment to accept any of them. However, it was apparent that he thought some tradeoffs might be possible.

Memorandum of Understanding

Following Graybeal's presentation, Smolin proposed two changes in the Memorandum of Understanding. The first, which Graybeal accepted, was to insert the phrase "the Government of" in the appropriate places in the title. The second was to insert the phrase, "in two copies, each" after the date in the signature paragraph. The U.S. participants did not agree at the time to this addition but acknowledged that this addition would bring the signature paragraph into conformity with provisions of the ABM Treaty and Interim Agreement.

In presenting the proposed U.S. changes in the draft memorandum, in addition to making the explanations in the attached Talking Points, Graybeal stressed that they were introduced for the purpose of further clarity and were essentially editorial.

Regulations

There was considerable discussion concerning the format and title of the draft document on paragraphs for the Regulations. Graybeal,

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State Department review

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following instructions, proposed that the title be revised to read: "Paragraphs for Guidance in Formulating Regulations for the Standing Consultative Commission." Smolin did not accept this change and seemed to find difficulty with it. Instead, Smolin made the following counter-proposal, apparently on instructions: (1) deletion of the reference to Joint Draft Text in the heading and the footnote to ad referendum agreement on page 1; (2) revision of the title to read: "Basic Paragraphs of the Draft Regulations for the Standing Consultative Commission"; and (3) initialing by the Heads of Delegation of the document in conjunction with the signature of the Memorandum of Understanding. Regarding the first point, Smolin maintained that these qualifications were no longer necessary because of the inclusion of the word "draft" in the new proposed title. Shaw maintained that the references to the Joint Draft Text and ad referendum agreement were essential to indicate the provisional nature of the document. Smolin gave no clear explanation of the proposed change in the title. Graybeal argued that these changes ran counter to the intent of drawing up only a provisional document. Regarding the third point, Smolin read an excerpt from a Smith-Semenov Memorandum of Conversation, in which Semenov had stated that he was instructed to initial this document. Graybeal answered that Ambassador Smith had no such instructions and argued that initialing was not necessary as this was only a joint draft text. Shaw suggested informally that perhaps a compromise title might read: "Paragraphs of the Draft Regulations for the Standing Consultative Commission." The participants did not resolve any of these matters and they agreed to report to their respective Delegations.

Smolin had no other changes to this document to suggest.

Graybeal ran through the other U.S. proposed changes in the document. He said that with the exception of Paragraph 8, the changes were essentially editorial or introduced for the sake of clarity.

There ensued a lengthy discussion regarding Paragraph 8. Expanding on the Talking Points, he said that the essential reason for the U.S. changes was to make clear that the Standing Consultative Commission, while agreeing to avoid making public its proceedings except with the agreement of both Commissioners, should not have a veto over the right of either Government to make public statements concerning the activities of the SCC should it deem such necessary. He stressed that the U.S. side attached more importance to the changes in this Paragraph than to any other changes, including the title. The U.S. participants proposed informally several minor

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modifications of the U.S. language for this Paragraph, but there was no substantial discussion of them. Smolin did not object to the concept of the new U.S. language, but did object to change on certain technical grounds and referred several times to the difficulty his Delegation would have in getting Moscow's approval, of what amounted to a substantive change in the previous draft submitted by Delegations to Governments. On several occasions he alluded to the possibility of accepting the first sentence of the new U.S. language and deleting the second. The U.S. participants were non-committal.

Procedural Matters

The participants agreed to contact their respective Delegations and to meet again as soon as possible. Smolin suggested the possibility of meeting this afternoon or Sunday, because of the short time remaining, and the American participants agreed. Smolin said he would get in touch with Graybeal some time later today concerning a meeting.

The U.S. participants raised several technical matters. They suggested that at some point, agreement would have to be reached on the details of a signing ceremony, assuming that such took place. They also informed Smolin that the U.S. Government had instructed its Ambassador in Berne to approach the Swiss Government concerning the establishment of the SCC in Geneva, and that this approach should be done jointly with the Soviet Ambassador there. However, such an approach would not be made by the U.S. Ambassador until he received authority from Ambassador Smith. Graybeal suggested that the Soviet Delegation similarly give its Ambassador advance notice so that the approach could be made promptly when the situation warranted.

Smolin agreed.

Attachments:

1. Talking Points
2. Revised U.S. Draft

*2215 for*  
SALDEL: JPSHaw:wl

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December 16, 1972  
0900 Hours

TALKING POINTS FOR JOINT SCC WORKING GROUP MEETING

I. The US Delegation has heard from Washington, and would like to propose some minor modifications to both the "Memorandum of Understanding" and the Joint Draft Text of "Regulations." None of these changes alter the substantive context of either document; they are intended to provide clarification and precision to the meaning of certain items.

II. "Memorandum of Understanding" -

A. In Article I we suggest the addition of the phrase "in accordance with Article XIII of the Treaty between the USA and the USSR on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972."

Reason:

This addition would explicitly tie the establishment of the SCC to the specific Article and Treaty that authorizes its establishment.

B. In Article II we suggest inserting the words "and shall exercise its competence" before "in accordance with . . ."

Reason: This change is to reflect the functional limitations of the SCC.

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C. In Article III delete the word "additional."

Reason: The Commissioner and Deputy Commissioner are not to delete members of the staff. When we agreed/earlier reference to the Executive Secretary we failed to take out the word additional.

D. In Paragraph 4 we suggest replacing the words "upon reasonable" with "following appropriate" and inserting a comma after "notice."

Reason: The purpose of this change is for better clarity in the English language.

E. These are the only changes we propose in the Memorandum of Understanding. As you can see none involve any substantive change; all are strictly editorial, designed to improve the clarity of this document.

### III. "Regulations"

A. The US Government does not consider that formal Government approval of this document is needed or expected and that this document will be treated as a guideline for the SCC in development of a final text of its own regulations. This view reinforces the position I have consistently taken throughout our discussions in the working group, namely, that we considered this document to be guidelines for

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the SCC. It was also my understanding from our earlier conversations that labeling this document "Joint Draft Text" and indicating that this Joint Draft Text was "agreed ad referendum by Delegations" was the agreed way that it should be handled, and that there was no need for signing or initialing this document. My Government does not propose formal Governmental approval of this document, and proposes that it be treated as guidelines for the SCC in formulating its own regulations in accordance with Article V of the Memorandum of Understanding.

- B. We propose the following minor changes to this document; as in the case of the former document these changes are primarily editorial and designed to provide greater clarity and precision:
1. In the Title we propose substituting the words "Guidance in Formulating" for the words "Inclusion in The."  
Reason: More clearly describes purpose of this document.
  2. In Paragraph 1 we suggest deleting the reference to the ABM Treaty, thus having the SCC directly tied to the Memorandum of Understanding, which is the key document establishing the SCC.

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3. Also in Paragraph 1, we suggest changing "is" in the next to last line to "shall be."

Reason: In English this conforms with the same verb as used earlier in the sentence.

4. We suggest adding the phrase "both texts being equally authentic" to the end of Paragraph 7.

5. My Government wants Paragraph 8 revised to read as follows:

(provide Smolin with copy)

Reason: The basic purpose of this paragraph is to protect the confidential nature of the SCC proceedings and to prohibit the SCC, per se from releasing information concerning its proceedings, except by mutual consent of the Commissioners. It is not intended to permit one component of the SCC to exercise a veto over what the component's government may wish to tell its Allies or its people. The basic concept has always been, in our opinion, to provide privacy for the SCC proceedings in the same manner as we have assured the privacy of the SALT proceedings. The language we are proposing accomplishes the purpose in a clear more precise manner, without changing the basic intent of this paragraph. This change is considered very important; I hope your Delegation will be able to accept it.

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IV. We hope that these minor changes, which we believe represent a constructive improvement in the two documents, will be acceptable to the Soviet side, and that we may proceed with bringing the SCC into being before the close of this session, as well as completing a joint draft text, agreed ad referendum by Delegations, concerning the "Regulations" for the SCC.

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Agreed in the SCC Working  
Group ad referendum to  
Delegations

DRAFT

December 5, 1972

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF  
SOVIET SOCIALIST REPUBLICS REGARDING THE ESTABLISHMENT  
OF A STANDING CONSULTATIVE COMMISSION

I.

The Government of the United States of America and the  
Government of the Union of Soviet Socialist Republics hereby  
establish a Standing Consultative Commission *in accordance with  
Article XIII of the Treaty between the USA and the USSR on  
the Limitation of Anti-Ballistic Missile Systems of May 26, 1972.*

II.

The Standing Consultative Commission shall promote the  
objectives and implementation of the provisions of the Treaty  
between the USA and the USSR on the Limitation of Anti-Ballistic  
Missile Systems of May 26, 1972, the Interim Agreement between  
the USA and the USSR on Certain Measures with Respect to the  
Limitation of Strategic Offensive Arms of May 26, 1972, and the  
Agreement on Measures to Reduce the Risk of Outbreak of Nuclear  
War between the USA and the USSR of September 30, 1971, *and shall exercise its competence*  
in  
accordance with the provisions of Article XIII of said Treaty,  
Article VI of said Interim Agreement, and Article 7 of said  
Agreement on Measures.

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III.

Each Government shall be represented on the Standing Consultative Commission by a Commissioner and a Deputy Commissioner, assisted by such ~~additional~~ staff as it deems necessary.

IV.

The Standing Consultative Commission shall hold periodic sessions on dates mutually agreed by the Commissioners but no less than two times per year. Sessions shall also be convened <sup>following appropriate</sup> as soon as possible ~~upon reasonable~~ notice, at the request of either Commissioner.

V.

The Standing Consultative Commission shall establish and approve Regulations governing procedures and other relevant matters and may amend them as it deems appropriate.

VI.

The Standing Consultative Commission will meet at Geneva. It may also meet at such other places as may be agreed.

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Done in Geneva, on December \_\_\_\_\_ 1972, in  
the English and Russian languages, both texts being equally  
authentic.

For the Government  
of the  
United States of America

For the Government  
of the  
Union of the Soviet Socialist Republics

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Agreed in the SCC Working Group  
ad referendum to Delegations

**SECRET**

Joint Draft Text\*

December 5, 1972

**GUIDANCE IN FORMULATING**  
PARAGRAPHS FOR ~~[INCLUSION IN THE]~~  
REGULATIONS FOR THE STANDING CONSULTATIVE COMMISSION

1. The Standing Consultative Commission, established in  
~~[accordance with Article XIII of the Treaty between the USA and~~  
~~the USSR on the Limitation of Anti-Ballistic Missile Systems~~  
~~of May 26, 1972, and]~~ the Memorandum of Understanding between  
the United States of America and the Union of Soviet Socialist  
Republics Regarding the Establishment of a Standing Consulta-  
tive Commission of December \_\_, 1972, shall consist of a  
U.S. component and Soviet component, each of which <sup>shall be</sup> headed  
by a Commissioner.

2. The Commissioners shall alternately preside over the  
meetings.

3. The Commissioners shall, when possible, inform each  
other in advance of the matters to be submitted for discussion,  
but may at a meeting submit for discussion any matter within  
the competence of the Commission.

4. During intervals between sessions of the Commission,  
each Commissioner may transmit written or oral communications  
to the other Commissioner concerning matters within  
the competence of the Commission.

\* Agreed ad referendum by Delegations

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5. Each component of the Commission may invite such advisers and experts as it deems necessary to participate in a meeting.

6. The Commission may establish working groups to consider and prepare specific matters.

7. The results of the discussion of questions at the meetings of the Commission may, if necessary, be entered into records which shall be in two copies, each in the English and the Russian languages *both texts being equally authentic.*

*The proceedings*  
8. ~~Information concerning the activities of the Standing Consultative Commission is confidential and may be made public only with the express consent of both components of the~~ *shall be conducted in private. The Standing Consultative Commission may not make its proceedings public except*  
Commissioners.

9. Each component of the Commission shall bear the expenses connected with its participation in the Commission.

10. The Regulations for the Standing Consultative Commission shall enter into force on the day of their signature by the Commissioners.

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